

Judge Stewart

and)
)
FREEWAY TIRE & AUTO, L.L.C.,)
)
Cross-Claim Defendant.)
_____)
)
JERRY COWGER,)
)
Third-Party Plaintiff,)
)
vs.)
)
KIT VOWLES,)
)
Third-Party Defendant.)

Pursuant to Fed. R. Civ. P. 16(b), the Magistrate Judge¹ received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

This Court ORDERS the Initial Pretrial Hearing set for February 12, 2014 at 10:00 a.m. VACATED.

****ALL TIMES 4:30 PM UNLESS INDICATED****

1.	PRELIMINARY MATTERS	DATE
	Nature of claims and any affirmative defenses: Plaintiff Travelers Casualty Insurance Company of America seeks a judicial declaration as to whether there is coverage under a policy of insurance it issued to Freeway Tire &	

¹ The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately assigned or referred to that Magistrate Judge.

Auto, LLC for a December 4, 2012 accident involving Jerry Cowger. Mr. Cowger has asserted a counterclaim and cross-claims, seeking to recover for the injuries he claims to have sustained in the above accident.

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|----|--|-----------------|
| a. | Was Rule 26(f)(1) Conference held? | Yes |
| b. | Have the parties submitted the Attorney Planning Meeting Form? | Yes |
| c. | Deadline for 26(a)(1) initial disclosure? | <u>02/28/14</u> |
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- | | | |
|----|--|-----------------|
| 2. | DISCOVERY LIMITATIONS | NUMBER |
| a. | Maximum Number of Depositions by Plaintiff(s) | <u>10</u> |
| b. | Maximum Number of Depositions by Defendant(s) | <u>10</u> |
| c. | Maximum Number of Depositions by Third Party Plaintiff | <u>10</u> |
| d. | Maximum Number of Hours for Each Deposition (unless extended by agreement of parties) | <u>7</u> |
| e. | Maximum Interrogatories by any Party to any Party | <u>25</u> |
| f. | Maximum requests for admissions by any Party to any Party | <u>25</u> |
| g. | Maximum requests for production by any Party to any Party | <u>25</u> |
| h. | The Parties shall handle discovery of electronically stored information as follows: As per the rule unless stipulated otherwise. | |
| i. | The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: The parties will cooperate to enter protective orders as reasonably requested. | |
| j. | Last day to serve written discovery: | <u>09/21/14</u> |
| k. | Close of fact discovery: | <u>10/28/14</u> |

1. (optional) Final date for supplementation of disclosures and discovery under Rule 26 (e): *As Per Rule*
3. **AMENDMENT OF PLEADINGS/ADDING PARTIES²** **DATE**
 - a. Last Day to File Motion to Amend Pleadings
Plaintiffs(s): 06/27/14
Defendant(s): 07/27/14
 - b. Last Day to File Motion to Add Parties
Plaintiff(s): 06/27/14
Defendant(s): 07/27/14
4. **RULE 26(a)(2) REPORTS FROM EXPERTS³** **DATE**
 - a. Parties bearing burden of proof 11/30/14
 - b. Counter reports 01/14/15
5. **OTHER DEADLINES** **DATE**
 - a. Last day for Expert discovery 03/03/15
 - b. Deadline for filing dispositive or potentially dispositive motions 04/03/15
 - c. Deadline for filing partial or complete motions to exclude expert testimony 04/03/15
6. **SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION** **DATE**
 - a. Referral to Court-Annexed Mediation: Yes/No
 - b. Referral to Court-Annexed Arbitration Yes/No

² Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

- c. The parties will complete Private Mediation/Arbitration by: 00/00/0000/
- d. Evaluate case for Settlement/ADR on 10/28/14
- e. Settlement probability: Unknown

*Specify # of days for Bench or Jury trial as appropriate.
The court will complete the shaded areas.*

7.	TRIAL AND PREPARATION FOR TRIAL	TIME	DATE
a.	Rule 26(a)(3) Pretrial Disclosures ⁴ Plaintiff Defendant		<u>00/00/00</u> <u>00/00/00</u>
b.	Objections to Rule 26(a)(3) Disclosures (if different than 14 days provided in Rule)		<u>00/00/00</u>
c.	Special Attorney Conference ⁵ on or before		<u>00/00/00</u>
d.	Settlement Conference ⁶ on or before		<u>00/00/00</u>
e.	Final Pretrial Conference	____:____.m.	<u>00/00/00</u>
f.	Trial		
	i. Bench Trial (Coverage Issues)	<u>1-2 days</u>	____:____.m. <u>00/00/00</u>

⁴ The Parties must disclose and exchange any demonstrative exhibits or animations with the 26(a)(3) disclosures.

⁵ The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. The parties should schedule witnesses to avoid gaps and disruptions. The parties should mark exhibits in a way that does not result in duplication of documents. The pre-trial order should include any special equipment or courtroom arrangement requirements.

⁶ The Settlement Conference does not involve the Court unless the Court enters a separate order. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

ii. Jury Trial (Remaining Claims) 3-4 days

____:____.m. 00/00/00

8. OTHER MATTERS

Counsel should contact chambers staff of the judge presiding in the case regarding Markman motions to determine the desired process for filing and hearing of such motions. Parties should file all such motions and Motions in Limine well in advance of the Final Pre Trial.

DATED this ____ day of _____, 2014.

BY THE COURT

By _____
Judge Stewart
United States District Court